

JC803 U.S. PTO



08/02/00

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JC873 U.S. PTO

09/630454



08/02/00

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\*\*REGISTERED PATENT AGENTS

August 2, 2000

WRITER'S DIRECT NUMBER:

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INTERNET ADDRESS:

sludwig@skgf.com

Commissioner for Patents  
Washington, D.C. 20231

**Box Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. (to be assigned); filed (herewith)  
For: **Novel Bacterial Strains, Methods of Preparing the Same and Use  
Thereof in Fermentation Processes for L-Lysine Production**  
Inventors: Liaw *et al.*  
Our Ref: 1533.0730001/SRL/TBB

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/17) (in duplicate);
2. Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:

**Novel Bacterial Strains, Methods of Preparing the Same and Use thereof  
in Fermentation Processes for L-Lysine Production**

and naming as inventors:

Hungming J. Liaw  
John Eddington  
Yueqin Yang

Commissioner for Patents

August 2, 2000

Page 2

Richard Dancey  
Stacia Swisher  
Weiying Mao

the application consisting of:

- a. A specification containing:
    - i. 21 pages of description prior to the claims;
    - ii. 6 pages of claims (claims 1-23); and
    - iii. 1 page abstract;
  - b. Two (2) sheets of drawings (Figures 1A and 1B); and
  - c. An original executed Declaration for Patent Application;
4. Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3) (in duplicate);
  5. A Power of Attorney from Assignee, executed on behalf of Archer-Daniels-Midland Company;
  6. A Certificate Under 37 C.F.R. § 3.73(b), executed on behalf of Archer-Daniels-Midland Company;
  7. Two sheets of Formal Drawings (Figures 1A and 1B);
  8. Two (2) return postcards; and
  9. Our check No. 28279 for \$978.00 to cover:

\$690.00	Basic filing fee (37 C.F.R. § 1.16(a));
234.00	Independent claims in excess of three (37 C.F.R. § 1.16(b)); and
54.00	Claims in excess of twenty (37 C.F.R. § 1.16(c)).

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or

Commissioner for Patents

August 2, 2000

Page 3

credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Steven R. Ludwig  
Attorney for Applicants  
Registration No. 36,203

SRL/TBB/dab

P:\USERS\DENISEB\1533\0731appcov

## Enclosures

Please type a sign(+) inside this box



PTO/SB/05 (2/98)

Appr. for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

1533.0730001/SRL/TBB

First Inventor or  
Application Identifier

Hungming J. Liaw et al.

Title

Novel Bacterial Strains, Methods of Preparing the Same  
and the Use Thereof in Fermentation Processes for  
L-Lysine Production

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 28 ]  
(preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2 ]

4. ☒ Oath or Declaration [Total Pages 3 ]

- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR §§  
1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the  
oath or declaration is supplied under Box 4b, is considered as being part of  
the disclosure of the accompanying application and is hereby incorporated  
by reference therein.

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☐ \*Small Entity Statement(s) ☐ Statement filed in prior  
(PTO/SB/09-12) application, Status still proper  
and desired
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: (1) 37 C.F.R. § 1.136(a)(3) Authorization (in duplicate)  
(2) Two (2) sheets Formal Drawings (Figures 1A & 1B).  
\*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A  
SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A  
PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP) of prior application No: \_\_\_\_/\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

## 18. CORRESPONDENCE ADDRESS

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or ☒ Correspondence  
address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.				
	Attorneys at Law				
ADDRESS	Suite 600, 1100 New York Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20005-3934
COUNTRY	USA	TELEPHONE	(202) 371-2600	FAX	(202) 371-2540

NAME (Print/Type)	Steven R. Ludwig	Registration No. (Attorney/Agent)	36,203
SIGNATURE		Date	August 2, 2000

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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<b>FEE TRANSMITTAL</b> <b>for FY 2000</b> <i>Patent fees are subject to annual revision.</i> <i>Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.</i> <i>See 37 C.F.R. §§ 1.27 and 1.28.</i>		<b>Complete if Known</b>													
<b>TOTAL AMOUNT OF PAYMENT</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">(to be assigned)</td> </tr> <tr> <td>Filing Date</td> <td>(herewith)</td> </tr> <tr> <td>First Named Inventor</td> <td>Hungming J. Liaw et al.</td> </tr> <tr> <td>Examiner Name</td> <td>(to be assigned)</td> </tr> <tr> <td>Group / Art Unit</td> <td>(to be assigned)</td> </tr> <tr> <td>Attorney Docket Number</td> <td></td> </tr> </table>		Application Number	(to be assigned)	Filing Date	(herewith)	First Named Inventor	Hungming J. Liaw et al.	Examiner Name	(to be assigned)	Group / Art Unit	(to be assigned)	Attorney Docket Number	
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Attorney Docket Number															
(\$978.00)															

<b>METHOD OF PAYMENT (check one)</b>  1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Deposit Account Number</td> <td style="width: 50%;">19-0036</td> </tr> <tr> <td>Deposit Account Name</td> <td>Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.</td> </tr> </table> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17  2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.	Deposit Account Number	19-0036	Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.	<b>3. ADDITIONAL FEES</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>690</td><td>246</td><td>345</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>690</td><td>249</td><td>345</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> </tbody> </table> Other fee (specify) : Other fee (specify) : *Reduced by Basic Filing Fee Paid	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	380	216	190	Extension for reply within second month		117	870	217	435	Extension for reply within third month		118	1,360	218	680	Extension for reply within fourth month		128	1,850	228	925	Extension for reply within fifth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	690	246	345	Filing a submission after final rejection (37 CFR 1.129(a))		149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))	
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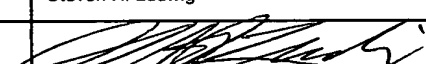
<b>FEE CALCULATION</b>					
<b>BASIC FILING FEE</b>					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	690	201	345	Utility filing fee	690
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	690	208	334	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ 690.00)

<b>EXTRA CLAIM FEES</b>				
	Extra	Fee from below	Fee Paid	
Total Claims 23 - 20** =	3	X 18	= 54	
Indep. Claims 6- 3** =	3	X 78	= 234	
Multiple Dependent		0	=	
** or number previously paid, if greater; For Reissues, see below				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim
108	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 288.00)				

SUBTOTAL (3) (\$ -0-			
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<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Typed or Printed Name	Steven R. Ludwig			Reg. Number	36,203
Signature				Date	August 2, 2000
				Deposit Acct. User ID	

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SKGF Rev. 5/11/00 mac

# Certificate Under 37 C.F.R. § 3.73(b)

Hungming J. Liaw, John Eddington, Yueqin Yang, Richard Dancey

Applicant/Patent Owner: Stacia Swisher and Weiyang Mao

JC873 U.S. PTO  
09/630454  
08/02/00

Application No./Patent No.: \_\_\_\_\_ (to be assigned) Filed/Issue Date: \_\_\_\_\_ (herewith)

Novel Bacterial Strains, Methods of Preparing the Same and Use Thereof in Fermentation

Entitled: Processes for L-Lysine Production

Archer-Daniels-Midland Company

(Name of Assignee)

, a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010227, Frame 0834, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: JULY 18, 2000

Name: David J. Smith

Title: Vice President, Secretary & General Counsel

Signature: [Signature]

(Atty. Dkt. 1533.0730001/SRL/TBB)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Liaw *et al.*

Appl. No. (To be assigned)

Filed: (herewith)

For: **Novel Bacterial Strains, Methods  
of Preparing the Same and Use  
Thereof in Fermentation  
Processes for L-Lysine Production**

Art Unit: (To be assigned)

Examiner: (To be assigned)

Atty. Docket: 1533.0730001/SRL/TBB



**Authorization To Treat A Reply As Incorporating An Extension Of Time  
Under 37 C.F.R. § 1.136(a)(3)**

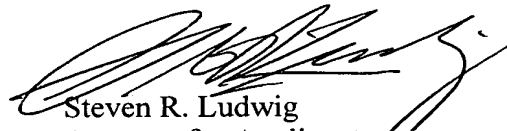
Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
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Date: August 2, 2000

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